

REMARKS/ARGUMENTS:

The Examiner and the Attorney for the Applicant have agreed to restrict and elect claims 1-9 and 17, which are drawn to a cockpit door, classified in class 244. Claims 10-16 are directed to a method of making a composite laminate and are withdrawn from this application. The Examiner and the Attorney agree that the Applicant has the right to files the withdrawn claims 10-16 in a continuing application.

Claim Rejections -35 USC § 112

The Examiner stated that Claims 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states that in claim 17, “the cockpit area” has no antecedent basis in the claims.

Response:

The Applicant has appropriately amended claim 17 to address the antecedent objection made by the Examiner. Applicant believes that the amended Claim 17 have corrected the objections made by the Examiner.

Claim Rejections -35 USC § 103

The Examiner has rejected Claims 1-9 and 17 are rejected under 35 U.S.C. 102(b) as being unpatentable over either one of Li et al. (4,916,000) or Harpell et al. (4,737,402 in view of Morgan (6,568,310).

The Examiner states that Li et al. and Harpell el at. each disclose substantially all of the claimed elements of the inventor present invention, including the formation of ballistic protection composite panels comprising a first layer formed from high molecular weight polyethylene fibers with a phenolic resin matrix a, a middle layer of high molecular weight polyethylene fibers with an epoxy resin matrix, and a third layer of high molecular weight polyethylene fibers with a phenolic resin matrix (see especially column 6, line 6; column 9, lines 9-15 and column 17. lines 5-25 of Li et al. and column 8, lines 33-38; column 9, lines 44-53 column 10, lines 17 and 54-60 of Harpell et al.) The Examine correctly stated that Li et al. and Harpell et al. fail to disclose that the composite panels are specifically used for cockpit doors or to have a transparent portion of the door assembly, however, each of them specify that they are used as ballistic protection and are for use in aircraft. The Examiner stated that Morgan teaches it is well known to use composite materials to form cockpit doors with ballistic protection and to provide a window in the door (see especially column 5, lines 38-39). The Examiner stated that motivation to combine is the use of the material for a particular purpose within the generally used disclosed environment of an aircraft and to increase the performance of the security door by allowing a person to see to the other side of the door. To employ the teachings of Morgan on either Li et al. or Harpell et al. and have cockpit door with a window formed from the composite material is considered to have been obvious to one having ordinary skill in the art.

Response:

The Applicant asserts the Morgan is not an appropriate reference since the Applicant has conceived and actual reduction to practice for the present invention was prior to the filing date of the cited Morgan patent. An executed Affidavit substantiating the date of actual reduction to practice prior to October

25, 2001 filing date, together with certain supporting documentation, is included with this response in Attachments A, B and C. Some of supporting documentation is under a non-disclosure agreement between the Applicant and a vendor and therefore attached in a separate envelope with the entitled label "Proprietary Material Not Open to the Public. To Be Opened Only by the Examiner or Other Authorized Patent and Trademark Office Employees" in accordance with section 724.02 of the Manual of Patent Examining Procedure.

It is known that Rule 1.131 Affidavits may be used to overcome a rejection based on obviousness under 35 U.S.C. Section 103, *In re Forster*, 343 F.2d 980, 145 USPQ 166, 173 (C.C.P.A. 1965) *cert. denied*, 383 U.S. 966 (1966). Also, when obviousness is based on a combination of references, the applicant generally only needs to antedate one of the references to overcome the rejection. Therefore, the Applicants asserts that the cited Morgan prior art is effectively removed from the consideration in this prosecution.

Reconsideration is requested of the rejected claims 1-9 and 17 under 35 USC § 103 in view that the Morgan prior art is effectively removed from the consideration in this prosecution.

Conclusion:

In conclusion, the Applicant respectfully asserts that claims 1-9 and 17 are patentable for the reasons set forth above. Based on the foregoing, Applicant respectfully submits that the application now is in condition for prosecution and allowance. If any matters can be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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ATTACHMENT A

AFFIDAVIT UNDER 37 CFR 1.131